

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office
P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214



Committee Members
Brandon Stevens, Chairperson
Tehassi Hill, Vice Chairperson
Fawn Billie, Councilmember
Jennifer Webster, Councilmember

SPECIAL LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center

September 17, 2014 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
- III. Current Business**
- IV. New Submissions**
 - 1. Judiciary Law Emergency Amendments
 - 2. Administration Procedures Act Repeal
 - 3. Petition: Hold a GTC Meeting to Address Tribal Election Issues
- V. Additions**
- VI. Administrative Update**
 - 1. 2011-2014 Active Files List Review
- VII. Executive Session**
 - 1. Legislative Reference Office-Staff Attorney Position
- VIII. Recess/Adjourn**



Legislative Operating Committee

September 17, 2014

Judiciary Amendments: Number of Judges

Submission Date: 03/28/14

<input type="checkbox"/> Public Meeting: <input checked="" type="checkbox"/> Emergency Enacted: 3/26/14 Expires: 9/26/14
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LOC Sponsor: (Prior LOC- Melinda Danforth)

Summary: *On March 26, 2014 the Oneida Business Committee (OBC) adopted Resolution #BC-03-26-14-D which created emergency amendments to the Judiciary Law/Transition Plan, acknowledging that one (1) judge on the trial side will be delayed in its election, and that the OBC will make funding available to help fund an additional Judge for the Family Court.*

04/02/14 LOC: Motion by Paul Ninham to add the Judiciary Amendments: Number of Judges to the Active Files List with Melinda J. Danforth as the sponsor; seconded by Brandon Stevens. Motion carried unanimously

Next Steps:

- Consider extending the emergency amendments for a period of six (6) months and direct the LRO to complete amendments to bring to the General Tribal Council to give the authority to the OBC to set the number of Judges in the Judiciary based on the needs of the court.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

**BC Resolution 03-26-14-D
Adoption of Emergency Amendments to the Judiciary Law/Transition Plan**

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS,** on January 7, 2013 the General Tribal Council passed GTC Resolution 01-07-13-B adopting the Judiciary Law which created a new Judiciary and directed that a Family Court be immediately created, and
- WHEREAS,** in accordance with Resolve #3 of resolution #GTC-01-07-13-B, the Oneida Business Committee determines that four (4) judges for the Trial are Court are unnecessary at this time and that three judges can adequately manage the estimated case load, thereby making the election of all four (4) judges fiscally irresponsible, and
- WHEREAS,** the Oneida Business Committee, have received the six (6) month status report from the Family court regarding an escalating case load regarding child support matters, and
- WHEREAS,** the Oneida Business Committee believes that delaying the posting for election of the number of Trial Court Judges by one and adding an additional Family Court Judge would better serve the Judiciary and Tribal membership in the future, and
- WHEREAS,** resolution # GTC 01-07-13-B at the last Resolve gave the authority to the Oneida Business Committee to make modifications and additions to the transition plan as it deemed necessary to implement the Judiciary, and
- WHEREAS,** the Oneida Business Committee believes that amending the Judiciary transition plan to delay the posting of one (1) Judge at the Trial Court rises to the level of an emergency because elections are scheduled in July and notice of the caucus scheduled in early April, and
- WHEREAS,** the Oneida Business Committee determined that the General Tribal Council can elect to fill the fourth judicial position at a Special Election in 2015 when this issue is presented to that body for action at the July 2014 semi-annual meeting, and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, and
- WHEREAS,** emergency adoption of this amendment is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and observance of the adoption requirements under the Legislative Procedures Act for passage of laws and policies would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee amends, on an emergency basis under the

Legislative Procedures Act, the election of two (2) Trial Court Judges for a three (3) year term and reduces that number to a single position for election in the 2014 General Election.

NOW THEREFORE BE IT FURTHER RESOLVED, that the intent of this action is to make funding available for an additional Family Court Judge to be engaged in FY2015.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Business Committee shall prepare amendments to be presented to the General Tribal Council which shall allow the Oneida Business Committee to set, by resolution, the number of judicial officers in the Trial and Appellate branches of the Judiciary in order to best meet the case load while best managing limited tribal funds.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 26th day of March, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 3 members for, 2 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoelt, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."



2014 Oneida General Tribal Council Special Meeting Minutes DRAFT
6 p.m. Monday, June 16, 2014
Radisson Hotel and Conference Center, 2040 Airport Dr., Ashwaubenon, WI

The Oneida General Tribal Council met Monday, June 16, 2014 at a duly called meeting with 1,801 registered tribal members in attendance at 6:15 p.m. The meeting was at the Radisson Hotel and Conference Center, 2040 Airport Dr.,

Ashwaubenon, WI, located on the Oneida Indian Reservation. **Oneida Business Committee attendance** — Present: Vice Chairman Greg Matson, Treasurer Tina Danforth, Secretary Patty Hoeft, Councilmembers Melinda J. Danforth, Vince DelaRosa, David Jordan, Paul Ninham, Brandon Stevens; Not Present: Chairman Ed Delgado

I. Posting of colors by Oneida veterans color guard and Opening prayer

John Brueninger introduced Oneida Nation Veterans Affairs Committee (ONVAC) members to bring in the colors. The colors were retired. Quanna Pocan, sophomore student, Oneida Nation High School to provide the opening by reciting the traditional Oneida Thanksgiving in the Oneida language. Pocan is the son of Georgia Powless-Foolbull and Jamie Pocan, grandson of Dorothy Ninham and Herb Powless.

II. Announcements and Call meeting to order

Tribal Vice Chairman Greg Matson called the meeting to order at 6:07 p.m.

III. Adopt the agenda

Motion by Brandon Stevens to approve the agenda with time limits up to 15 minutes for presentations, three minutes per individual for questions, seconded by Kathy Mauritz. **Motion approved by a show of hands**

First amendment to main motion by Madelyn Genskow to move agenda item 4 under New Business b.2. to be first on the agenda, seconded by Isiah Skenandore. **First amendment failed by a show of hands**

Second amendment to main motion by Terry Cornelius that each individual may speak once for each agenda item, seconded by Sherrole Benton. **Motion approved by a show of hand**

IV. New Business

1. Judiciary transition update and amendments

- a. Adopt resolution for Judiciary Law Amendments Re: Clarification of education requirements for Chief Judges

Motion by Loretta V. Metoxen to withdraw from this election all the judge positions to be rescheduled to a special election, seconded by Don McLester. **Motion approved by a hand count requiring a two-thirds vote: 740 yes, 300 opposed, 138 abstained, 1,178 total votes, 693 votes needed for two-thirds**

- b. Transition update: Assigning a Tribal Judge position to Family Court

Motion by Melinda J. Danforth to approve the request to withhold one (1) trial judge position from the 2014 Special Election and direct the position be re-categorized as a Family Court Judge, seconded by Howard Cooley. **Motion approved by a show of hands**

- c. Adopt resolution to set compensation for judges

Motion by Brandon Stevens to adopt the GTC resolution 06-16-14-A Adoption of Compensation for Judges for the Judiciary, seconded by Linn Cornelius. **Motion approved by a show of hands**

2. Verbal report on status of implementing GTC 12-15-13 action to dissolve the Oneida Seven Generations Corporation

Motion by Hugh Danforth to accept the verbal report on status of Oneida Seven Generations Corporation, seconded by Chad Wilson. **Motion approved by a show of hands**

GTC Resolution _____
Repeal of the Administrative Procedures Act

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, on January 7, 2013 the General Tribal Council passed GTC Resolution #01-07-13-A Adoption of the Administrative Procedures Act Amendments and the Legislative Procedures Act; and

WHEREAS, on January 7, 2013 the General Tribal Council passed GTC Resolution #01-07-13-B adopting the Judiciary Law which created a new Judiciary; and

WHEREAS, GTC Resolution #01-07-13-B at Resolve #5, repealed sections 1.9-1 through 1.1-17 of the Administrative Procedures Act and the addendum to the Administrative Procedures Act adopted August 19, 1991 effective March 1, 2015; and

WHEREAS, it was intended by Resolve #5 of resolution #GTC-01-07-13-B to repeal the remainder of the Administrative Procedures Act in full by March 1, 2015; and

WHEREAS, adopting Amendments to the Administrative Procedures Act first in GTC Resolution #01-07-13-A, and then repealing sections of the original Administrative Procedures Act in GTC Resolution #01-07-13-B is confusing, and does not repeal the entire amended Administrative Procedures Act that was adopted by GTC Resolution #01-07-13-A; and

WHEREAS, the Oneida Business Committee believes that so there is no confusion regarding what sections of the Administrative Procedures Act are repealed, and to ensure that the entire Administrative Procedures Act is repealed, it is necessary to adopt a new resolution repealing the current Administrative Procedures Act; and

WHEREAS, repeal of the Administrative Procedures Act is required to be approved by the General Tribal Council;

NOW THEREFORE BE IT RESOLVED, that the Oneida General Tribal Council repeals the Administrative Procedures Act in its entirety.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the

Resolution GT.C-_____

Page 2

Oneida General Tribal Council, in session with a quorum of ____ members present, at a meeting duly called, noticed and held on the ____ day of _____, 2014; that the foregoing resolution was duly adopted at such meeting by a two-thirds vote of those present and that said resolution has not been rescinded or amended in any way.

Lisa Summers, Tribal Secretary
Oneida Business Committee

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Michelle L. Mays, Attorney
Lynn A. Franzmeier, Attorney
Layatalati Hill, LTE Attorney
Taniquele J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214
<https://oneida-nsn.gov/Laws>

September 12, 2014

Statement of Effect

Adoption of Resolution: Repeal of the Administrative Procedures Act

Summary

This Resolution repeals the Administrative Procedures Act in its entirety.

Submitted by: Michelle L. Mays, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

On January 7, 2013, the Oneida General Tribal Council (GTC), adopted amendments to the Administrative Procedures Act (APA) that removed the legislative process requirements. The GTC also adopted a new Legislative Procedures Act. All of this was done by the adoption of GTC Resolution #01-07-13-A.

Following the adoption of that Resolution, the GTC adopted the new Judiciary Law by adopting GTC Resolution #01-07-13-B. The fifth (5th) resolve of that resolution states “that sections 1.9-1 through 1.1-17 of the Administrative Procedures Act and the addendum to [it] . . . are hereby repealed, effective March 1, 2015. However, the section numbers listed refer to the prior APA before it was amended by GTC Resolution #01-07-13-A. Because the repeal language adopted is after the adoption of the amendments to the APA, it should refer to the correct sections in the new APA.

In addition, the adoption of GTC Resolution #01-07-13-B does not effectuate the repeal of the entire APA, which is what was intended. There is no need to have a Purpose section, or a Definition section, when there is nothing remaining in the APA.

Thus, the adoption of this Resolution will clear up any confusion as to which draft of the APA the sections are being repealed from, and it will effectuate the original intent, which was to repeal the APA in its entirety. The new Judiciary does not need the assistance of the APA as did the Oneida Appeals Commission. The new Judiciary has Rules of Civil Procedure and Rules of Appellate Procedure, which govern the filing of matters of cases before them. The Rules of Civil Procedure will also apply to the Oneida Personnel Commission commencing November 1, 2015. Therefore, the APA is obsolete.

Conclusion

There adoption of this Resolution does not conflict with any current Tribal Law of Policy.



Legislative Operating Committee AGENDA REFERRAL FORM



1) Today's Date: 9, 12, 14 Date of Referral Action: 9, 10, 14

2) Entity that referred this item to LOC: OBC

3) Individuals or Entities to contact regarding this item: Secretary's Office

4) Item referred: Petition to hold a GTC meeting to address various Tribal election issues.

5) Background information, including applicable actions and dates: On 9/10/14 the OBC deferred a petition regarding Tribal election issues to the LOC for a legislative analysis. The analysis is due within 45 days, with a progress report due in 30 days.

6) Due date: update due at 10/8/14 OBC; analysis due at 10/22/14 OBC

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

PETITION FORM

NAME OF PETITIONER: Leah Sue Dodge, Michael T. Debraska, Franklin L. Cornelius, Bradley Graham

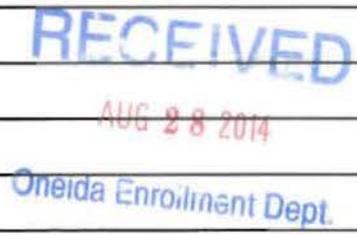
PURPOSE: SEE TEXT BELOW ON THIS PAGE

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____



Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
1. Michael Debraska				Michael T. Debraska
2. LORRAINE Monita				Lorraine Monita
3. MARVIN HAYES				Marvin Hayes
4.				
5.				
6.				
7.				
8.				
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15.				



For a GTC Meeting to be held in a timely manner on a Saturday or Sunday starting no later than 1 p.m. to allow for greater membership participation, and that GTC vote whether (1) all Tribal elections include the SEOTS polling site, including the inaugural Judiciary Election as was GTC's intent by voting to include the Judiciary in the 2014 General Election; (2) to nullify any Judiciary Election that excludes the SEOTS polling site that may have occurred before the requested meeting is held; (3) a new Judiciary Caucus be held & that due notices be made in Kalihwisaks & prominent places 10 days prior to that Caucus & the inaugural Judiciary Election; (4) to address other Tribal election issues.

Printed Name	Address	D.O.B.	Enrollment #	Signature
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

ENROLLMENT NUMBERS VERIFIED BY:  DATE: 8-28-2014

NAME OF PETITIONER: Leah Sue Dodge ENROLLMENT NUMBER: _____

ADDRESS: _____
(STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: _____

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 9/15/14
- 2) Contact Person(s): Tamara Vanschynkel Dept: Oneida Gaming Commission
Phone Number: 849-5667 Email: tvanschyn@oneidagation.org
- 3) Agenda Title: Amendments to Oneida Nation Gaming Ordinance
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee

On 6/25/14 revisions to ONGO to replace Appeals Commission with a referral to the Judiciary were sent to NIGC for approval. On 9/9/14 NIGC sent it back requesting further amendments after they found discrepancies. There is a deadline for NIGC approval of October 21, 2014.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Email Request
- 2) Letter of Explanation to OGC
- 3) Email from NIGC
- 4) 7/22/14 letter to NIGC

5) Please List any laws, ordinances or resolution that might be affected:

ONGO

6) Please List all other departments or person(s) you have brought your concern to:

7) Do you consider this request urgent? Yes No

If yes, please indicate why: Deadline set by NIGC of 10/21/14

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Michelle Mays on behalf of Tamara Vanschynkel

Please send this form and all supporting materials to:

LOC@oneidagation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

Michelle L. Mays

From: Tamara J. Vanschyndel
Sent: Monday, September 15, 2014 5:07 PM
To: Lynn A. Franzmeier; Michelle L. Mays; Jo A. House
Cc: Cristina S. Danforth; Melinda J. Danforth; Lisa M. Summers; Patricia M. King; Brandon L. Yellowbird-Stevens; Ronald W. Hill; Jennifer A. Webster; Fawn J. Billie; 'oneidacornelius@yahoo.com'; Shannon C. Davis; Connie M. Herlache
Subject: ONGO Revisions Necessary
Attachments: E-Routed Necessary ONGO Revisions_091214.pdf
Importance: High

Hello!

Recently, slight amendments were made to the Oneida Nation Gaming Ordinance (ONGO) in order to prepare for the Judiciary. As required, the amended ONGO was submitted to the National Indian Gaming Commission (NIGC) for approval. During their review, additional revisions were identified that need to be made for the ONGO to be in alignment with NIGC regulations.

The necessary revisions are to be made so that the NIGC chairman can approve them by October 21, 2014. If it is feasible for the revisions to be made, adopted by the OBC and forwarded to NIGC to meet this timeline, please advise.

If this is not feasible, we should withdraw the (amended) ONGO submission in order to make the necessary revisions so the document can be approved by the NIGC within another submission deadline. For the sake of the Oneida Gaming Operations, it is imperative the ONGO is approved by the NIGC.

Please see attached documents for additional information and the actual revisions needed. I can be reached via email or by phone extension 5667 if there are any questions. Thank you in advance for your expeditious response!



NECESSARY ONGO REVISIONS NIGC APPROVAL DEADLINE

ONEIDA
GAMING
COMMISSION

To: OGC

From: Tamara VanSchyndel, Executive Director *TVS*

Date: September 12, 2014

On June 25, 2014 the OBC adopted a resolution to approve changes to ONGO that removed reference to the Appeals Commission for purposes of the Judiciary, to be effective November 2, 2014. It was realized the ONGO revision was not submitted to NIGC within 15 days as required by NIGC regulations (25 CFR Part 522.3(b)). Thus, the OGC submitted the amended ONGO to the NIGC on July 22, 2014, for NIGC approval. The deadline for NIGC approval expires October 21, 2014, 90 days from the date of submission.

On September 9, 2014, notice was received from NIGC's Staff Attorney stating discrepancies were identified during review of ONGO and further revision is necessary for alignment with NIGC regulations (25 CFR Part 556 and 558). See attached email for the necessary ONGO revisions. At this time, Oneida can:

- 1) Make the necessary ONGO amendments, officially adopt and resubmit the corrected revision, allowing NIGC time for review and approval by the deadline;
OR
- 2) Withdraw the current ONGO submission to avoid denial on October 21st and then follow up with the necessary amendments and a new official submission date (with a new approval deadline).

The ONGO may be amended by the OBC in accordance with Tribal Law (ONGO 21.2-2.) Whereas the necessary changes are minimal and straightforward, it is recommended this matter be addressed immediately without withdrawing the original submission. However, the feasibility of meeting the October deadline should be discussed and determined by the OBC and LOC. The document would have to be revised and officially submitted and adopted by their offices, respectively.

It is recommended the OGC forward this notice with the accompanying email to the LOC and OBC for immediate determination and action.

cc: Bill Cornelius, Legal Counsel to the OGC
Connie Herlache, OGC Compliance Manager
Steve Hill, OGC Investigations & License Manager

Mark A. Powless

From: Cisneros, Rea L. <Rea_Cisneros@nigc.gov>
Sent: Monday, September 08, 2014 1:56 PM
To: Mark A. Powless
Subject: Oneida Nation Gaming Ordinance matter

Dear Mark:

Per our conversation from earlier today, below, please see the areas that need to be addressed in the Oneida Nation Gaming Ordinance ("ONGO"):

- The ONGO is missing the requirement to keep the identity of each person interviewed in the course of a gaming employee license investigation confidential per 25 C.F.R. § 556.4(c).
See, § 556.4 Background Investigations.
 A tribe shall perform a background investigation for each primary management official and for each key employee of a gaming operation.
 (c) In conducting a background investigation, a tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.
- As currently drafted, ONGO retains all applications, background investigations, investigative reports, suitability determinations, findings and decisions of the Commission's files for a period of at least seven (7) years, but doesn't specify that the files are retained from the date of termination.
See, 25 C.F.R. § 558.3(e) Notification to NIGC of license decisions and retention obligations.
 (e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment.
- The ONGO is missing the requirement that a tribe notify the NIGC of its decision to revoke or reinstate a gaming license within 45 days of receiving notification from the Commission that a key employee or primary management official is not eligible for employment under 556.5).
See, 25 C.F.R. § 558.4(e). Notice of information impacting eligibility and licensee's right to a hearing.
 (e) After a revocation hearing, a tribe shall decide to revoke or to reinstate a gaming license. A tribe shall notify the Commission of its decision within 45 days of receiving notification from the Commission pursuant to paragraph (a) of this section.

Lastly, can you please provide documentation that the Oneida Tribe's Revenue Allocation Plan is approved by the Secretary of Interior per U.S.C 2710(b)(3)?

The approaching deadline for NIGC approval is October 21, 2014. Given this quickly approaching deadline, please advise as to how the Oneida Nation would prefer to address the matter. As always, if the tribe wishes to withdraw the submission to avoid denial given the upcoming deadline, the NIGC will work with the tribe to expedite the matter upon resubmission.

It was a pleasure to talk to you over the phone and I look forward to working with you.



Oneida Gaming Commission
P.O. Box 79
Oneida, WI. 54155
1-800-497-5897
(920) 497-5850
FAX: (920) 490-8048

July 22, 2014

Jonodev Osceola Chaudhuri
Chairman
National Indian Gaming Commission
90 K Street NE, Suite 200
Washington, DC 20002

Dear Chairman Chaudhuri:

There have been some changes to the hearing processes in the Oneida Tribe of Indians of Wisconsin's Administrative Procedures Act (APA). The references to the Oneida Appeals Commission needed to be replaced with "Judiciary" to be consistent with the adoption of the Tribe's new Oneida Tribal Judiciary System via Oneida resolution GTC-01-07-13-B. The Judiciary branch will become effective March 1, 2015.

Currently, in the Oneida Nation Gaming Ordinance (ONGO), 21.12-8(g) and 21.13-13(g), it states: "Unless identified in this Ordinance or regulations of the Commission, the hearing processes set forth in the Oneida Administrative Procedures Act shall apply." In order to prepare for the Judiciary, the ONGO has been updated so that all references to the Oneida Appeals Commission has been removed and replaced with "Judiciary."

The ONGO amendments are to go into effect November 1, 2014. The amended ONGO document is being submitted at this time in accordance with NIGC regulation §522.3(a).

Sincerely,

Mark A. Powless, Sr.
Oneida Gaming Commission Chairman

Attachments: Resolution 06-25-14-B Amendments to Remove Appeals Commission Reference
ONGO BC 06 25 14 C (effective 11 01 2014)
ONGO BC 06 25 14 C redline

Cc: OBC
OGC
Tamara Van Schyndel, OGC Executive Director
JoAnne House, Chief Counsel

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 9/16/16
- 2) Contact Person(s): Treasurer, Trish King Dept: OBC
Phone Number: _____ Email: _____
- 3) Agenda Title: Emergency Amendments to the Personnel Policies and Procedures regarding Job Duties and Work Assignments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Amendments are to enhance the abilities of Supervisors, directors and Managers to better utilize the knowledge, skills and abilities of the current workforce as a cost controlling measure

List any supporting materials included and submitted with the Agenda Request Form

- 1) Memo from the Treasurer
 - 2) Proposed Resolution
 - 3) Email suggestions from HRD
 - 4) _____
- 5) Please List any laws, ordinances or resolution that might be affected:
Oneida Personnel Policies and Procedures
 - 6) Please List all other departments or person(s) you have brought your concern to:
HRD, Law Office
 - 7) Do you consider this request urgent? Yes No
If yes, please indicate why: Budget / Cost Containment Measures

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: [Signature] Michelle Mays on behalf of Trish King
LRO Staff Attorney Treasurer

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

Office of the Treasurer

Memorandum

To: Brandon Yellowbird-Stevens, L.O.C. Chair
From: Trish King, Treasurer *TK*
Date: 9/11/2014
Re: Active Files submission request

I am respectfully submitting the attached resolution titled, "Emergency Amendments to the Personnel Policies and Procedures regarding Job duties and Work assignments" to the L.O.C. for consideration to add this item to their "Active Files List."

The resolution is drafted as a tool to enhance the abilities of supervisors; directors, and managers to better utilize the knowledge, skills, and abilities of the current workforce.

The O.B.C. will be finalizing a final FY'2015 Continuing Resolution to the September 24, 2014, O.B.C. agenda. I am respectfully requesting this emergency amendment to be submitted to the September 24, 2014, O.B.C. agenda also.

Yaw^ko for your time and assistance in this matter.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155

Telephone: 920-869-4364 • Fax: 920-869-4040

BC Resolution # _____

Emergency Amendments to the Oneida Personnel Policies and Procedures Regarding Job Duties and Reassignments

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Tribal Treasurer has identified cash flow and revenue concerns in reviewing prior budgets and in developing the Fiscal Year 2015 budget and budget projections for future fiscal year; and

WHEREAS, the Oneida Business Committee has identified that some of the budget constraints could be addressed through cost containment actions which include placing a cap on the total number of employees and prohibiting hiring new employees as identified in the *Continuing Budget Resolution for Fiscal Year 2015*; and

WHEREAS, the Oneida Business Committee has also identified that this type of cost controlling measure is effective only if the organization is allowed to effectively and efficiently utilize the entire employee base; and

WHEREAS, the Oneida Business Committee has determined that amendments to the Oneida Personnel Policies and Procedures are necessary in order to allow management to properly utilize and allocate the knowledge, skills, and abilities of existing personnel; and

WHEREAS, the Oneida Business Committee has identified that these amendments are necessary in order to meet the immediate budgetary needs of the Tribe as a measure to reduce short and long term payroll and benefit costs, manage cash flow, and maintain programming;

38 NOW THEREFORE BE IT RESOLVED that the Oneida Business Committee adopts the
 39 following emergency amendments to the Personnel Policies and Procedures.

40 41 Job Duties and Assignments

- 42
43 1. Direct Reports are allowed to approve job description modifications for the purposes of
 44 consolidating and/or transferring employees for more efficient and effective use of
 45 existing personnel, and such actions may take place crossing divisions and operations
 46 within the organization.
- 47 2. Direct Reports, for purposes of this resolution, are defined as Gaming General Manager,
 48 Chief Financial Officer, Chief Counsel, Chief of Police, Legislative Affairs Director,
 49 Comprehensive Health Division Director, Development Division Director (and as interim
 50 assignment for Housing Operations), Environmental Health Division Director (and as
 51 interim Land Management Division Director); Governmental Services Division Director,
 52 HRD Area Manager, Internal Audit Director, Internal Services Division Director,
 53 Medical Director, Records Management Director, and Retail Profits Area Manager. This
 54 shall also delegate authority to the director of Trust and Enrollment departments, the
 55 Gaming Commission Executive Director and the Tribal School Principals.
- 56 3. Amendments to job duties and assignments authorized by this emergency action shall be
 57 reasonably related to the duties in the job description as defined in section 5 below.
- 58 4. The Human Resource Department shall take all necessary steps to assist in making
 59 amendments to job duties and assignments that increase the efficiencies and effective
 60 allocation of employee's knowledge, skills and abilities, including proactively identifying
 61 where such efficiencies can be gained.
- 62 5. The language – "other duties as assigned" – appearing in job descriptions shall be
 63 interpreted as – "other duties as reasonably related to the duties in the job description and
 64 shall not be limited to assignment of duties within a program, business unit, or division of
 65 the Tribe and may take place crossing divisions and operations of the organization."
- 66 6. Amended job duties and assignments shall not result in an increase in compensation, even
 67 where those amended job duties and assignments are made permanent.
- 68 7. Amended job duties and assignments may be permanent.
- 69 8. Amended job duties and assignments shall not be considered an adverse employment
 70 action per this resolution and supersedes any prior policies, interpretations, opinions and
 71 similar actions.

72
73 NOW THEREFORE BE IT FURTHER RESOLVED that failure to accept job duties and
 74 assignments may result in disciplinary action.

75
76 NOW THEREFORE BE IT FURTHER RESOLVED that these amendments shall go into effect
 77 on October 1, 2015 and shall be effective for six months.

78
79 NOW THEREFORE BE IT FINALLY RESOLVED that the Human Resources Department
 80 shall develop, if necessary, Standard Operating Procedures that assist the Division Directors,
 81 Gaming General Manager, Chief Financial Officer and Chief Counsel in carrying out the intent
 82 of this resolution and emergency amendments.

83 NOW THEREFORE BE IT FINALLY RESOLVED THAT employees of boards, committees
84 and commissions shall be included in this emergency amendment and shall be managed by the
85 Human Resources Department Area Manager. Provided that, Trust and Enrollments, Gaming
86 Commission administration and Tribal School shall be as delegated earlier in this resolution.

Michelle L. Mays

From: Rhiannon R. Metoxen
Sent: Tuesday, September 16, 2014 3:03 PM
To: Michelle L. Mays
Subject: FW: Comments relative to Personnel Policies draft resolution

Brian asked that I forward these to you!

From: Brian A. Doxtator
Sent: Tuesday, September 16, 2014 1:06 PM
To: Brandon L. Yellowbird-Stevens
Cc: Rhiannon R. Metoxen
Subject: Comments relative to Personnel Policies draft resolution

Emergency Amendments to the Oneida Personnel Policies and Procedures Regarding Job Duties and Reassignments Comments

Job Duties and Assignments

1. Recommending adding after and/or transferring or approving a job reassignment for
2. Add under #3 Supervisors will be required to review employees on **current lay-off status** to determine if the vacancy and/or critical positions can be filled by employee on layoff. This can be accomplished through a job reassignment prior to requesting postings.
5. Add under #5 Employee must still meet all job requirements to include licensing and background security check.

OUTSTANDING ITEMS FROM THE 2011-2014 LOC ACTIVE FILES LIST



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Items Deferred by General Tribal Council

Budget Management and Control Law

Summary: On May 23, 2011, GTC approved a motion directing the Oneida Business Committee to continue to develop a law to provide a consistent manner to govern the Tribal budget process, establish a procedural framework, and oversee Tribal expenditures. The LOC developed a draft Law, forwarded the draft to the Tribal Treasurer's Office for review and deferred it for a legislative analysis.

Last Action: On May 21, 2014, the LOC reviewed the draft and legislative analysis and deferred the Law back to the sponsor for follow-up based on the analysis.

Contacts: Larry Barton; Ralinda Ninham-Lamberies

Items Deferred by the Oneida Business Committee

Audit Committee Bylaws

Summary: The Audit Committee is a standing committee of the OBC operating under a charter adopted by the Audit Committee. On April 27, 2011, the OBC referred the Audit Committee Charter to the LOC for “review of authority and review under the context as the bylaws.” On April 17, 2013, the LOC sent draft bylaws to the Audit Committee for consideration.

Last Action: On May 3, 2013, the Audit Committee deferred the Bylaws until after the GTC meeting regarding enforcement authority of the Audit Committee. The Committee’s enforcement authority has not yet been discussed at GTC and no further action has been taken on the Bylaws.

Contact: Donna Christensen

Audit Law Amendments

Summary: The Audit Committee requested establishment of a standard requirement for correction of high risk findings and that the BC clarify roles and responsibilities related to Audit issue interpretations and resolutions, including: who is the primary authority to determine whether audit issues are pursued or closed; who can enforce the need for management action; and what process should be adopted to achieve results so past audits can be resolved and closed.

Last Action: The OBC deferred this item to the LOC on July 23, 2014 to consider making amendments immediately. The LOC determined the proposed amendments are not an emergency, but should be worked on into the next term.

Contacts: Jim Skenandore, Donna Christensen

GTC Meeting Stipend Payment Policy Amendments

Summary: A Tribal member requested the OBC place the GTC Meeting Stipend Payment Policy on an upcoming GTC meeting agenda to consider amendment to or repeal of the Policy. The OBC deferred this item to the LOC on July 24, 2013. A report discussing three options was submitted to the OBC on January 22, 2014: 1) no change; 2) \$125 gift card; and 3) choice of a \$125 gift card or the current \$100 stipend payment.

Last Action: At an OBC Work Meeting held on February 10, 2014, Councilman Stevens was given the task of bringing this to GTC for further discussion. This has not been brought before GTC.

Contacts: Lisa Summers; Patty Hoefl

Health Board Bylaws

Summary: The Health Board Bylaws were deferred to the LOC by the OBC on April 25, 2012 with direction to re-create the Oneida Health Board to supervise the Division Directors of the Oneida Comprehensive Health Division.

Last Action: The LOC presented the OBC with a bylaws draft and analysis on September 12, 2012, at which time the OBC deferred the Bylaws back to the LRO to work on to create an advisory board. No further action has been taken.

Contacts: Tina Danforth, Mary Graves, Linda Dallas, Diane McLester-Heim, Debbie Danforth, Chris Johns

Human Resources Reorganization

Summary: The Human Resources Reorganization was referred to the LOC by the OBC on July 25, 2012 in order to develop legislation that sets forth an independent Human Resources Department to properly address the delegations and restrictions in a proposed MOU.

Last Action: On December 19, 2012, the LOC accepted an update on this item which stated the Employment Law draft was being developed and included the reorganization of HRD. In addition rules and SOPs were being developed to support HRD's new role.

Judiciary Amendments: Number of Judges

Summary: On March 26, 2014, the OBC adopted emergency amendments to the Judiciary Law to reduce the number of judges that would be elected to the Trial Court by one. In place of the Trial Court Judge, an additional part-time Family Court Judge was to be hired to help relieve the Family Court case load.

Last Action: GTC approved of this request at their June 16, 2014 meeting. The LOC may want to consider making permanent amendments to the Judiciary and/or extending the emergency amendment for an additional six months.

Contacts: Melinda J. Danforth, Lisa Summers

Personnel Commission Legislation

Summary: On March 26, 2014, the OBC deferred the Oneida Personnel Commission legislation to the LOC for review, however, no supporting materials accompanied the request.

Last Action: The LOC deferred this item to the sponsor on April 16, 2014 and no further information on this item has been submitted.

Personnel Policies and Procedures: Area Manager Appeals

Summary: This item was submitted to the LOC from the March 14, 2012 OBC meeting based on recommendations from the Chief Counsel. The request is to amend the Personnel Policies with respect to the current practice of allowing supervisors to challenge an Area Manager's decision, including providing a complaint process for supervisors that do not agree with an Area Manager, and a process to allow supervisors to challenge an Area Manager who fails to act.

Last Action: On June 6, 2012, the LOC accepted a verbal update on this item, but took no further action.

Contacts: Chief Counsel

Workplace Violence Policy

Summary: This Policy was forwarded to the LOC by the OBC on December 18, 2012. HRD requested this Policy to provide guidance to Tribal employees to maintain an environment that is free of violence and the threat of violence.

Last Action: On March 27, 2013, the OBC forwarded this item to the LOC stating that a comprehensive workplace violence policy needs to be developed.

Contacts: Kaylynn Gresham, Geraldine Danforth, Bob Fresen, Matthew J. Denny, Sr., James Bittorf

Outstanding Emergency Legislation

Furlough Policy Emergency Adoption

Summary: The Furlough Policy was adopted on an emergency basis to enable the Tribe to implement an employee furlough plan when the Tribe experiences a reduction in Federal funding or other loss of revenue that causes a significant operating budget deficit.

Last Action: On April 9, 2014, the OBC extended the emergency amendments that were originally adopted on October 15, 2013.

Emergency Expires: October 9, 2014 (*no more extensions*)

Judiciary Emergency Amendments: Number of Judges

Summary: On March 26, 2014, the OBC adopted emergency amendments to the Judiciary Law to reduce the number of judges that would be elected to the Trial Court by one. In place of the Trial Court Judge, an additional part-time Family Court Judge was to be hired to help relieve the Family Court case load.

Last Action: GTC approved this request at their June 16, 2014 meeting. The LOC may want to consider making permanent amendments to the Judiciary and/or extending the emergency amendment for an additional six months.

Emergency Expires: September 26, 2014 (*one 6-month extension available*)

Contacts: Melinda J. Danforth, Lisa Summers

Public Use of Tribal Land Emergency Amendments

Summary: On July 23, 2014, the OBC approved emergency amendments to the Public Use of Tribal Land Law because under the current Law and the current Land Access Map, some land is restricted to the point that (1) employees of the Tribe who are not Tribal members are not able to complete their assigned duties because they cannot access the land without violating the Law; and (2) non-Tribal contractors hired to do work/restoration activities on some of these lands are not able to conduct the work they were contracted to do because they do not have the authority to access the land. In addition, a concern about whether emergency personnel would be allowed on certain Tribal land was brought up. The amendments also allow ERB to grant permission to other individuals/groups access to Tribal land in those circumstances that are not covered by these exceptions, but where it may be reasonable for ERB to allow access..

Last Action: On July 23, 2014, the OBC adopted the emergency amendments.

Emergency Expires: January 23, 2015 (*one 6-month extension available*)

Items at GTC

GTC Meetings Law

Summary: This Law would govern the scheduling of GTC meetings, and create: a standard agenda format and code of conduct for attendees; outline duties of those preparing and assisting with GTC meetings, and establish how petitions are processed. This item was on the July 2014 GTC Semi-Annual agenda; however the meeting adjourned before the Law was considered.

Petition: Directing a “Stall Mall” be Created

Summary: A petition was submitted requesting the OBC create a “stall mall” for Tribal vendors, members, and small businesses at the former grocery store on Water Circle Drive. This item was on the July 2014 GTC Semi-Annual agenda, but the meeting adjourned before it was considered.

Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts

Summary: A petition was submitted requiring the name and home address of people who sign petitions not be published in the GTC meeting mail outs. This item was on the July 2014 GTC Semi-Annual agenda, but the meeting adjourned before the item was considered.

Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe

Summary: A petition was submitted requesting:

- (1) no GTC member be required to pay any real estate and/or property taxes for any real estate and /or property owned by the Tribe, effective immediately; and
- (2) Any GTC member who has paid real estate and/or property taxes on property owned by the Tribe and still owes money on a mortgage held with the Tribe shall have any monies paid in the past toward real estate and/or property taxes for that real estate and/or property reimbursed and put towards their principle and/or interest owed, by October 15, 2013; and
- (3) Any GTC members who have their mortgage satisfied through reimbursement of real estate and/or property taxes paid for any real estate and/or property owned by the Tribe, shall have the remainder of the monies reimbursed to them by October 15, 2013; and
- (4) GTC members who paid real estate and/or property taxes for real estate and/or property owned by the Tribe and have satisfied their mortgage shall have monies paid in the past toward taxes on said real estate and/or property reimbursed to them by October 15, 2013.

This item was on the July 2014 GTC Semi-Annual agenda, but the meeting adjourned before the GTC considered it.

Petition: Responding to Questions and Comments from the Floor at GTC

Summary: A petition and resolution were submitted requesting that presenters who submitted petitions may respond to questions from the floor at GTC meetings. This item was on the July 7 GTC Semi-Annual Meeting agenda, but the meeting adjourned before the GTC considered it.

Items that have gone through Public Meeting

Alcohol Beverage Licensing Law Amendments

Summary: The Licensing Department requested amendments the Alcohol Beverage Licensing Law to allow the Licensing Department to accept applications for licenses and grant licenses under the Law. Under the current Law, the Tribal Secretary accepts the applications and the OBC grants the licenses. A public meeting was held on April 25, 2014.

Last Action: On June 4, 2014, the LOC deferred this to a work meeting with the OBC, OPD, Law Office, LRO, Legislative Affairs and Self-Governance to discuss jurisdictional issues surrounding these amendments.

Contacts: Tonya Webster, Patrick Stensloff, Trista Cornelius-Henricks

Comprehensive Policy Governing Boards, Committees and Commissions Amendments

Summary: Amendments to the Comprehensive Policy were requested to: prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions.

Last Action: A public meeting was held on July 18, 2013 and the amendments are currently on hold until a final draft of the Election Law is created so these amendments can be aligned with the Election Law.

Election Law Amendments

Summary: Amendments to the Election Law were initially submitted to limit Tribal members to serving two consecutive terms per position; limit Tribal members from running for more than one seat per election; prohibit Tribal members from serving on more than one board, committee or commission at a time; prohibit Tribal employee from serving as an elected or appointed official; include enforcement provisions for campaign violations; streamline the role of the Election Board; require a Milwaukee polling site; include provisions regarding election observers; and clarify the referendum process. Additional changes were made based on the public meeting feedback and on GTC action, including removing the term limits and prohibition on Tribal employees from serving as elected or appointed officials. Three public meetings have been held on this item

Last Action: A public meeting was held on May 8, 2014.

Contacts: Racquel Hill, Vicki Cornelius (HRD), Connie Danforth (OHC), Melinda K. Danforth (HRD), Michele Doxtator (Retail), Barbara Erickson (blerickson1948@hotmail.com), Jon Frion (jonfrion42@gmail.com), Lisa Liggins (Enrollment Dept), Teresa Schuman (HRD)

Family Court Amendments: Bench Warrants

Summary: Amendments to the Family Court were requested to explicitly include bench warrant authority.

Last Action: After reviewing the comments from the January 30, 2014 public meeting, this item was deferred to the LRO to prepare for approval. However, the submitters requested that the LOC hold off on finalizing the amendments until the departments who would be implementing this authority were ready.

Contacts: Lisa Schwartz, Jean Webster, Robert Collins

Vehicle Driver Certification and Fleet Management

Summary: To develop a new law to govern employee/Tribal official use of vehicles while on Tribal business which would replace the Vehicle Driver Certification Policy and the Fleet Management Policy.

Last Action: The public meeting was held on April 25, 2014 and the LOC deferred the item back to the sponsor to make final amendments.

Contacts: Bob Keck, Mary Cornelissen, Matt Denny, Rick Fuss, Dan King, Lisa Hock, Patrick Stensloff, Jeff Mears, Geraldine Danforth, Bruce Danforth

Items with a draft and analysis

Children's Code

Summary: To develop a Children's Code which would set forth a mechanism to allow the Tribe to take jurisdiction of child welfare matters involving Tribal children. The Children's Code would address the following: establishment of a Child Welfare Office; child welfare proceedings, including CHIPS; termination of parental rights; adoption; and foster home licensing.

Last Action: A draft and analysis have been prepared, however, additional work on the Law needs to be completed before moving forward. A work meeting was held on August 13, 2012.

Contacts: OCPB, Law Office, Jeannette Ninham

Code of Ethics Law Amendments

Summary: Amendments to the Code of Ethics were requested to strengthen accountability of employees, elected officials and appointed officials. Among other things, a new enforcement process would be added to the Law and would include a panel to hear ethical complaints and recommend penalties.

Last Action: After the public meeting was held on February 13, 2014, the comments were reviewed and a request was made at the May 7, 2014 LOC to defer this item to an upcoming meeting so the amendments based on the public meeting comments could be incorporated.

Contacts: Janice McLester, Tober Brzezinski, Paul Stenzel, Winnifred Thomas, RaeAnn Skenandore. mike.debraska@yahoo.com

Employment Law

Summary: Development of an employment law to replace the current Personnel Policies and Procedures.

Last Action: On June 4, 2014, the draft was referred to the sponsor for continued work. No additional official action has been taken.

Contacts: Geraldine Danforth, Matt Denny

Employee Advocacy Law

Summary: The Employee Advocacy Law would formally codify the rules and requirements for Tribal employees who wish to serve as an advocate for other Tribal employees who are challenging disciplinary action.

Last Action: After a legislative analysis was prepared, the LOC deferred the draft back to the sponsor for further work.

Contacts: Matt Denny

Fitness for Duty Policy

Summary: Employees who are not fit for duty may present a health and/or safety hazard to themselves, to other employees, to the Tribe and to the general public. Since no fit for duty policy exists, supervisors either do nothing and let the issues continue; force an employee on a leave of absence, adversely modify job duties, and/or terminate the employee.

Last Action: On July 30, 2014, the LOC deferred this item to the new LOC to continue work on the draft.

Contacts: Matthew J. Denny, Sr. Geraldine Danforth, Marianne Close, Mary Cornelissen

Rulemaking Law

Summary: This Law would provide a process for the adoption of administrative rules by Tribal agencies that have been granted such authority under other Tribal Law.

Last Action: The LOC deferred this item for a legislative analysis and, upon receiving the analysis, the sponsor determined any issues in the draft should be cleared up before bringing the Law back to the LOC.

Tribally-Owned Business Organization Code

Summary: The Tribe has several Tribally-owned entities, and the Tribe should consider adopting a corporations code to govern how they are created.

Last Action: This item was deferred back to the sponsor for more work.

Items with a draft, no analysis

Guardianship

Summary: A Guardianship Law for minor children was requested since the Child Custody, Placement and Visitation Law permits a third party (i.e. a non-parent) to petition for custody of a minor child, but does not address third-party guardianships.

Last Action: This item was deferred without further direction.

Contacts: Lisa Schwartz, Linda Torres, Paul Stenzel

Leasing Law

Summary: Development of a new law would allow the Tribe to approve surface leases at their discretion, instead of the Secretary of Interior, so long as the Secretary of Interior has approved Tribal surface lease regulations.

Last Action: This item was deferred to the sponsor. A draft of the Law is currently being reviewed by Environmental and DOLM.

Contacts: Legislative Affairs, Environmental, DOLM

Whistleblower Law

Summary: A new Whistleblower law was requested to replace the Employee Protection Law and provide a more comprehensive avenue for complaints to be processed in a confidential manner.

Last Action: The LOC deferred the draft and did not take any further action.

Worker's Compensation Law Amendments

Summary: Amendments to the Worker's Compensation Law were requested to recognize the Early Return to Work Policy for efficiency of handling work related injuries

Last Action: The draft was deferred for more work.

Contacts: Geraldine Danforth, Marianne Close, Matt Denny, Christina Bluebird

Other Outstanding Items

Amendments to Laws Pursuant to GTC Resolution 07-01-13-A

Summary: Amendments to various laws update the terminology so that the laws reference the new Oneida Tribal Judiciary and Family Court instead of the current Oneida Appeals Commission or Tribal Judicial System.

Capping Damages and Awards from the Judicial System

Summary: This proposal would cap the monetary awards ordered by the Judicial System. The LOC directed the LRO to look at amending the Sovereign Immunity Law and creating a tort law.

Emergency Management and Homeland Security Law Amendments

Summary: The Business Committee directed the Police Commission to revise the Emergency Management and Homeland Security Law to alter the reporting structure. This was submitted in conjunction with amendments to the Law Enforcement Ordinance.

Contacts: Rich VanBoxtel, Kaylynn Gresham, Twylite Moore

Higher Education Forgiveness Policy

Summary: A Forgiveness Policy to the Oneida Higher Education Policy was requested to allow up to 12 credits, whereby not all 12 credits have to be used in the same semester, whether those credits be as to associate, undergraduate, graduate, or PhD levels, for those seeking higher education funding through the Tribe.

Contact: Mike Debraska

Housing Legislation

Summary: This Law was requested to provide improvements to the current housing services that are provided to Tribal members and to move the Tribe towards a comprehensive overhaul of all housing services the Tribe provides.

Contact: Scott Denny

Law Enforcement Ordinance Amendments

Summary: The Business Committee directed the Police Commission to revise the Emergency Management and Homeland Security Law to alter the reporting structure of Emergency Management. Amendments to the Law Enforcement Ordinance were in conjunction with the amendments to the Emergency Management Law to clarify roles, responsibilities and the grievance process.

Contacts: Rich VanBoxtel, Kaylynn Gresham, Twylite Moore

Law Enforcement Ordinance Amendments – Conservation Officers

Summary: The Oneida Police Department and the Law Office are recommending amendments to the Law Enforcement Ordinance to clarify that Conservation wardens are not sworn police officers, so there is no conflict when it comes to the issuance of fines.

Membership Ordinance

Summary: Amendments to the Membership Ordinance were requested to include an individual's New York Oneida blood and Oneida of the Thames blood when determining blood quantum for membership in the Oneida Tribe of Indians of Wisconsin. This item is on hold while the Trust Committee conducts its "Sustain Oneida" initiative. A petition has also been submitted requesting similar changes to the Tribe's Constitution.

Contacts: Carole Liggins (cliggins58@gmail.com), Enrollments, Trust Committee

Rules of Appellate Procedure

Summary: While preparing for the new Judiciary to take effect, Judge Collins discovered some items in the Rules that could be changed to improve the process.

Last Action: On July 30, 2014, the LOC accepted these changes as fyi and requested the LRO to bring them to the next LOC.

Contacts: Robert Collins

SEOTS Board Bylaws

Summary: Amendments to the SEOTS Bylaws were requested to provide better service to the Milwaukee area in a more efficient manner; create a fully functioning Board with powers of staff selection, oversight, and dismissal; and to place staff members on performance contracts.

Last Action: On November 7, 2012, the LOC directed the LOC Chair follow up with the SEOTS and the Board and try and figure out what the time frame of their visioning would be.

Contacts: Pam Ninham, Mark Powless

Tribal Hearing Bodies

Summary: The LOC requested the LRO conduct research on Tribal Boards, Committees and Commissions to find out how many are hearing bodies and where their hearing body authority comes from.

Last Action: On July 30, 2014, the LOC determined that this initiative would be rolled into the Judiciary transition and further work would be conducted by the LRO as the APA will expire.

Petitions

Petition: Child Care Department Consumer Complaint Policy

Summary: A petition was submitted to mandate the OBC review, amend and implement a new complaint process for Oneida Child Care. This would include minimum requirements of the new process such as mandatory administrative leave during investigations; investigation timelines, providing explanation of results, and reporting of all complaints to the Childcare Division Director and OBC. A policy is currently being developed with the input of a team of individuals.

Contacts: Wanda Diemel, Nikki Johnson, Wanita Decorah, Jessica Wallenfang, Dorothy Skenandore, Norbert Hill, Rae Skenandore, Pat Garvey, Donna Christensen, Donald White, Chenoa Webster, Susan House, Robert Keck

Petition: Develop a Dialysis Center

Summary: A petition was submitted requesting the GTC to approve the development and construction of an Oneida dialysis center. The LOC has submitted their backup for this item and is waiting for GTC consideration before further action is taken.

Contact: John Powless Jr.

September 2014

September 2014						
Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
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	29	30				

October 2014						
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			29	30	31	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Aug 31	Sep 1	2	3	4	5	6
Aug 31 - Sep 6							
	7	8	9	10	11	12	13
Sep 7 - 13							
	14	15	16	17	18	19	20
Sep 14 - 20				9:00am 2:00pm LOC Regular Meeting (BCCR)			
	21	22	23	24	25	26	27
Sep 21 - 27							
	28	29	30	Oct 1	2	3	4
Sep 28 - Oct 4							

October 2014

October 2014							November 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	8	9	10	11	9	10	11	12	13	14	8
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 28 - Oct 4	Sep 28	29	30	Oct 1 9:00am 2:00pm LOC Regular Meeting (BCCR)	2	3	4
	5	6	7	8	9	10	11
Oct 5 - 11							
	12	13	14	15 9:00am 2:00pm LOC Regular Meeting (BCCR)	16	17	18
Oct 12 - 18	19	20	21	22	23	24	25
Oct 19 - 25	26	27	28	29	30	31	Nov 1
Oct 26 - Nov 1							